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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,328	03/24/2000	Mark Web Helweg	6852-1	2324

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HAHN LOESER & PARKS, LLP  
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Suite 300  
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EXAMINER
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CHARLES, DEBRA F

ART UNIT	PAPER NUMBER
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3691

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/02/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/02/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@hahnlaw.com  
akron-docket@hotmail.com

**Office Action Summary**

Application No.

09/536,328

Applicant(s)

HELWEG, MARK WEB

Examiner

Debra F. Charles

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. Claims 16-22 have been amended. Claims 22-35 have been added.

Claims 1-15 have been cancelled.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16, 17, 18, 20, 21, 22, 23, 24, 25 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galant(US 6839686 B1) and Makivic(US 6061662 A).

Re Claims 16, 17, 18, 20, 21, 22, 24: A method for receiving, processing and communicating a collection of price data for analysis and making of a trading decision by an investor(Abstract, Fig. 8, 9, 16, 17, 18, 19, 20, 21, 22, 23, 25 i.e. volatility, 26 i.e. volatility, 30 item 1207 volatility, 32, 33, 34, 35, 40), said method comprising the steps of:  
receiving a collection of price data from a data source(col. 1, line 55-col. 2, line 55);

processing said collection of price data to generate volatility-adjusted relative price data(Col. 2, lines 40-67, Col. 17, line 60- Col. 18, lines all, col. 19, line 1-col. 20, line 40);

and generating a plurality of price charts derived from said processing step(Fig. 8, 9, 16, 17, 18, 19, 20, 21, 22, 23, 25 i.e. volatility, 26 i.e. volatility, 30 item 1207 volatility, 32, 33, 34, 35, 40, claim 1),

Galant fails to teach wherein at least one of said plurality of price charts includes a volatility-adjusted relative price chart representing a plurality of volatility-adjusted relative price data plotted within dynamic volatility intervals. However, Makivic does teach a volatility-adjusted chart (Fig. 3, 4 and 5, col. 13, lines 40-col. 14, lines 5, col. 17, lines 5-25, col. 18, lines 30-35, col. 24, lines 1-10, Table 4, Claims 48-52). Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Galant to include the step of Makivic. The motivation to combine these references is to show the dynamic volatility intervals.

As per claim 18, Galant shows the x and y axis(col. 11, lines 20-35 and col. 15, lines 45-col. 16, lines 10).

As per claim 23, Galant shows meeting a predetermined condition before displaying something(Fig. 2B).

As per claims 25 and 29, 32, Galant shows tabular and graphical formatted displays(Figs 3-42).

3. Claims 26, 27, 28, 30,31,33,34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galant and Makivic as applied to claims 16,19, 21 above, and further in view of Nesmith et al.(US 2005/0160021 A1).

As per claims 26, 27, 28, 30,31,33,34, and 35: Both Galant and Makivic fail to teach information derived from processing and collection of price data for output is used for further analysis within other market analysis algorithms, using information derived from a volatility-adjusted relative price chart to apply to absolute price charts, combining the information derived from the volatility-adjusted relative price chart or price action profile with other market indicator information, developing a plurality of price action profiles from a plurality of different time frames, selected from single market and different markets; fair value, overbrought and oversold market conditions. However, Nesmith et al. does teach price frequency charts, limit trades based on specific price points reached, monitoring price fluctuation of the particular security, and takes the specified security transaction in response to the specified price-point being reached, studies that are used as a tool for user decision-making on various price points for a security, and classifying the price points to buy, sell or inconclusive, candlestick or

Bollinger band charts that show price fluctuations(Fig.10, 11, 14 item 312, 16, 18, 19, 20, 21,22,para 0008-0012) . Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Galant and Makivic to include the step of Nesmith et al. The motivation to combine these references is to efficiently and effectively analyzing and using historical and current price data fluctuations for trading decision-making.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gray(US 2003/0093347 A1) Managing Risk Using Macro-Financial Risk Analysis

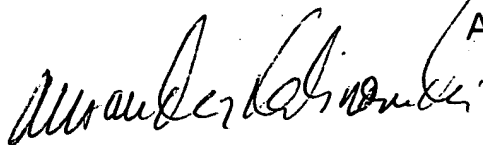
Wallman(US 7047218 B1) Method and Apparatus for Trading Securities or Other Instruments on Behalf of Customers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (571) 272 6791. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Debra F. Charles  
Examiner  
Art Unit 3691



ALEXANDER KALINOWSKI  
SUPERVISORY PATENT EXAMINER

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